

**SENATE BILL**

**No. 5**

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**Introduced by Senator Romero**

(Principal coauthors: Assembly Members Chu, Koretz, and Nunez)

**(Coauthors: Senators Escutia and Soto)**

(Coauthor: Assembly Member Longville)

January 27, 2003

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An act to add Section 23335 to the Business and Professions Code, and to add Chapter 13 (commencing with Section 1900) to Division 2.5 of the Health and Safety Code, relating to emergency medical services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Romero. Emergency medical services: alcohol: fee.

The Alcoholic Beverage Control Act imposes various functions and duties on the Department of Alcoholic Beverage Control with respect to the sale of alcoholic beverages and related licensing.

This bill would enact the Alcohol-Related Emergency Services Reimbursement Act of 2003, which would require the department to collect a \$0.05 per drink fee, based upon a specified formula, from any wholesaler located within the state who distributes alcoholic beverages to retailers for consumption in the state. The bill would establish the Alcohol-Related Emergency Services Reimbursement Trust Fund, to be administered by the State Department of Health Services, would allocate funds collected from the imposition of the fees, and would continuously appropriate money from the fund to the State Department of Health Services for allocation to local emergency medical services providers that meet the qualifications established by the department for

reimbursement of expenses incurred in providing services for alcohol-related emergencies, and to the Department of Alcoholic Beverage Control and the State Department of Health Services for costs associated with implementing the above provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Emergency medical services are inadequate to properly  
4 meet the needs of the residents of California.

5 (b) In the last 10 years, over 70 emergency rooms and trauma  
6 centers have shut their doors in the state.

7 (c) Alcohol-related incidents on California roads cost over \$3  
8 billion per year in monetary costs.

9 (d) Alcohol is a factor in nearly one-third of all vehicle crashes  
10 in the state, and emergency rooms and trauma centers are the  
11 primary medical services providers for those injured in these  
12 incidents.

13 (e) From July 1, 2000, to June 30, 2001, inclusive, 60 percent  
14 of all patients admitted to emergency rooms and trauma centers in  
15 Los Angeles County tested positive for alcohol.

16 (f) Emergency rooms and trauma centers can no longer afford  
17 to continue to pay for these services without reimbursement.

18 (g) Alcohol distributors within the state of California should  
19 reimburse the state for moneys expended by the state as a direct  
20 result of the use and abuse of these products.

21 (h) The State of California is facing an unprecedented budget  
22 shortfall that necessitates drastic cuts in programs and services to  
23 the people of California.

24 (i) The State of California cannot continue to subsidize the  
25 costs associated with the consumption of alcoholic beverages  
26 within the state.

27 (j) The Alcohol-Related Emergency Services Reimbursement  
28 Act of 2003 is necessary to combat the adverse effects of alcohol  
29 use and abuse.

SEC. 2. This act shall be known, and may be cited, as the Alcohol-Related Emergency Services Reimbursement Act of 2003.

SEC. 3. Section 23335 is added to the Business and Professions Code, to read:

23335. (a) The Department of Alcoholic Beverage Control shall collect a five-cent (\$0.05) per drink fee from any wholesaler located within the state who distributes alcoholic beverages to retailers for consumption in the state. The fee shall be based on 1.50 ounces of distilled spirits, 12 ounces of beer, and 5 ounces of table wine.

(b) All funds collected pursuant to subdivision (a) shall be deposited in the Alcohol-Related Emergency Services Reimbursement Trust Fund established pursuant to Chapter 13 (commencing with Section 1900) of Division 2.5 of the Health and Safety Code.

(c) The department shall be reimbursed for costs associated with implementing this section pursuant to Section 1901 of the Health and Safety Code.

(d) Fees collected pursuant to this section shall be used solely to implement this section and Chapter 13 (commencing with Section 1900) of Division 2.5 of the Health and Safety Code. The department shall not collect fees pursuant to this section in excess of the amount needed to fully implement this section and Chapter 13 (commencing with Section 1900) of Division 2.5 of the Health and Safety Code.

SEC. 4. Chapter 13 (commencing with Section 1900) is added to Division 2.5 of the Health and Safety Code, to read:

CHAPTER 13. ALCOHOL-RELATED EMERGENCY SERVICES  
REIMBURSEMENT TRUST FUND

1900. The Alcohol-Related Emergency Services Reimbursement Trust Fund is hereby created in the State Treasury. The fund shall be administered by the State Department of Health Services. The fund shall consist of fees collected by the Department of Alcoholic Beverage Control from wholesalers located within the state who distribute alcoholic beverages to retailers for consumption in the state, pursuant to Section 23335 of the Business and Professions Code. Notwithstanding Section

1 13340 of the Government Code, all moneys in the fund are  
2 continuously appropriated to the State Department of Health  
3 Services, without regard to fiscal years, for purposes of  
4 implementing this chapter.

5 1901. Moneys in the fund shall be allocated to the following  
6 persons and entities:

7 (a) Local emergency medical services providers, including  
8 emergency rooms, trauma centers, and emergency medical  
9 professionals and entities, that meet the qualifications established  
10 by the department for reimbursement of expenses incurred in  
11 providing services for alcohol-related emergencies. An  
12 alcohol-related emergency includes an incident that results in the  
13 provision of medical services, including transportation services, to  
14 a victim who is injured as a result of, or in which a causative agent  
15 was, the ingestion of alcohol. The department shall adopt  
16 regulations that establish criteria to identify incidents and  
17 emergencies that qualify as alcohol-related emergencies.

18 (b) The Department of Alcoholic Beverage Control, for the  
19 costs associated with collecting the fee specified in Section 23335  
20 of the Business and Professions Code.

21 (c) The department, for the costs associated with implementing  
22 this chapter.

23 1902. Qualifying persons or entities shall submit forms to the  
24 department for purposes of obtaining reimbursement under this  
25 chapter.

26 1903. The department shall adopt regulations necessary to  
27 implement this chapter.

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